

October 10, 2001

TO: Washington State Board of Health Members

FROM: Carl Osaki, Member

RE: UPDATE ON WAC 246-272 – ON-SITE SEWAGE SYSTEM RULES
AND REGULATIONS – ON-SITE ADVISORY COMMITTEE

Background and Summary

The Board adopted revised On-Site Sewage System Rules (WAC 246-272) in March 1994 after six years of extensive stakeholder work and public review. The rule revision process was lengthy because of several contentious issues. It involved the Legislature, other state agencies, local health officers, and private sector practitioners.

The rules, which took effect January 1, 1995, directed the Department of Health (DOH) to maintain an On-Site Advisory Committee (OAC) to assist in the review of program services and to make recommendations concerning department policy and regulations (WAC 246-272-24001). DOH first convened the OAC on October 12, 2000. The committee has more than 20 members representing diverse stakeholders in the field of on-site sewage treatment (see member list at end of memo).

The OAC has nearly completed its current work—its report should be available at the Board's October 10 meeting—and is proposing 55 recommendations. It has identified three recommendations as priorities:

1. Improve operations and maintenance of on-site systems by developing management methods and support systems, promoting public/private partnerships, and creating a new position to develop linkages between agencies, organizations, and practitioners.
2. Create a rule development process that is effective, timely, and responsive to the recommendations of the OAC and other stakeholders.
3. Fund initiatives to repair and replace failing on-site sewage systems, to develop local operation and maintenance management programs, and to recoup costs of program services.

The OAC is in agreement that WAC 246-272 will need to be revised before most of the committee's recommendations can be implemented. The Department of Health has reviewed the rules, as well, and is recommending that WAC 246-272 be revised.

Bill White, DOH assistant secretary for Environmental Health Programs, has asked to address the Board (see attached letter). He will summarize the OAC report, including its recommendations, and discuss the department's plan for implementing those recommendations. He will address the reasons why the committee and the department believe a rule review is necessary, and present the department's proposal for the rule development process, including the makeup of the committee, the resources assigned, the timeline, and the Board's involvement.

At this time, the On-Site Sewage Systems rules process is in the third stage—"Board receives DOH recommendation"—of the rule review process the Board adopted in December 1999 (see attached flow sheet on State Board of Health Rules Process).

Board action recommended

None. The department is not requesting a CR-101 at this time.

Note: OAC members include:

Dean Bannister, Bannister Septic,
Kevin Barry, Director, Environmental Health, Grant County Health District,
Bill Dewey, Taylor Shellfish Company,
Larry Fay, Director, Environmental Health, Jefferson County Health & Human Services,
Dave Ghylin, Dave's Designs,
James Hart, Kitsap City Sewer District #5
Teri King, Office of Marine Environmental and Resource Programs, WA Sea Grant
Program,
Brian Minnich, Building Industry Association of WA,
Mike Morris, Keystone Engineering,
Sharon Nelson, representing public consumers,
Paula Rioux, Washington Public Utility District Association,
David Swink, Director of Environmental Health, Spokane Regional Health District
Bruce Wishart, People for Puget Sound,
Bruce Wulkan, Puget Sound Water Quality Action Team.

Cc: Bill White, Assistant Secretary, DOH Environmental Health Programs
Maryanne Guichard, DOH, Environmental Health and Safety
Mark Soltman, DOH, Environmental Health and Safety

Attachments: DOH Wastewater Management Program fact sheet
Letter from Bill White to State Board of Health, September 27, 2001 with
attached On-Site Advisory Committee Executive Summary
State Board of Health Rules Process flow-chart